



APR 23 2002

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In re Application of	:	
POPOVSKY	:	DECISION ON
Serial No.: 09/701,807	:	
PCT No.: PCT/AU99/00422	:	RENEWED PETITION
Int. Filing Date: 31 May 1999	:	
Priority Date: 03 June 1998	:	UNDER 37 CFR 1.47(b)
Atty Docket No.: P40.2-9585	:	
For: PRE-FILLED CONTAINER	:	

This decision is in response to applicant's, "Renewed Petition Under 37 CFR 1.47(b)" filed 28 January 2002.

BACKGROUND

In a decision dated 17 August 2001, applicant's "Petition Under 37 CFR 1.47(b)" to accept the application without the signature of inventor Frank Popovsky was dismissed. Applicant was given a period of two months in which to respond and applicant was informed that extensions of time could be obtained under 37 CFR 1.136(a).

On 28 January 2002, applicant responded with the present renewed petition accompanied by a declaration executed by Mr. Popovsky. The renewed petition contained a signed certification that the papers were deposited for mailing on 16 November 2001. In addition, applicant's present petition was accompanied by a conditional petition for extension of time and authorization to charge any appropriate extension fees. Applicant's response was due by 17 October 2001. Therefore, applicant's conditional petition is being treated as a petition for a one-month extension of time. With the filing of the petition and authorization to charge the extension of time fee to Deposit Account 22-0350 the response is considered timely filed.

DISCUSSION

The declaration filed 28 January 2002 is acceptable under 37 CFR 1.497. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

CONCLUSION

For the reasons above, the Renewed Petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

The application has an international filing date of **31 May 1999** and will be given a date of **28 January 2002** under 35 U.S.C 371(c).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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